



July 21, 2011

Mr. Dennis Walcott, Chancellor
New York City Department of Education
52 Chambers Street
New York, NY

Dear Chancellor Walcott:

Pursuant to Commissioner's Regulation §100.2 (p)(11)(iv), a board of education (in New York City, the Chancellor or Chancellor's designee) may seek to close or phase-out a School Under Registration Review, as long as the board of education or Chancellor has submitted to the Commissioner an approvable plan for phase-out or closure pursuant to Commissioner's Regulation §100.2(p)(11)(iv).

As required by Commissioner's Regulation §100.2(p), on July 1st, 2011, the New York City Department of Education (DOE) submitted phase-out plans for the following twelve schools that have been identified by the Commissioner as Schools Under Registration Review/Persistently Lowest-Achieving (SURR/PLA):

1. Beach Channel High School
2. Bronx Academy High School
3. Columbus High School
4. I.S. 195, Roberto Clemente
5. Jamaica High School
6. John F. Kennedy High School
7. Monroe Academy for Business and Law
8. Metropolitan Corporate Academy
9. Norman Thomas High School
10. Pacific High School
11. Paul Robeson High School
12. School for Community Research and Learning

This letter is to inform you that the phase-out plans for the above twelve schools have been approved by the New York State Education Department (NYSED) pursuant to Commissioner's Regulations §100.2(p). Such approval does not represent a determination regarding DOE's compliance with the requirements of Education Law §§2590-h(2-a) and/or 2853(a-3), as applicable, and NYSED takes no position regarding the merits of any pending or future legal proceedings related to such plans.

I also note that SED's analysis of the information provided by NYCDOE shows that many of the schools that will be phased out serve high concentrations of students with disabilities, English language learners, low-income students and students who are over age and undercredited and/or enter the school not proficient in English language arts and/or mathematics. We recognize that under NYCDOE's school choice system, as currently configured, the ultimate placement of each student from the phased out schools will be determined in part by parental choice. However, this raises many issues if the replacement schools in aggregate do not serve comparable numbers of such students, particularly during their phase-in period, as has historically been the pattern in New York City. In particular, we want to ensure that schools receiving students who would otherwise have attended a phased out school are not negatively impacted as a result of their now enrolling an increased number of high-needs students. Such receiving schools need to be given sufficient time to plan and appropriate additional staffing and resources to support the changing demographic of the school.

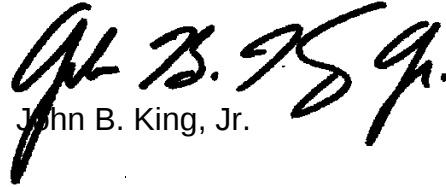
I recognize that prior to and during implementation of the Children First Initiative, NYCDOE has had success in making high-quality seats available to students in a range of school settings that may have a similar demographic composition and, in some cases, greater concentrations of historically underserved students than the closing school. Members of our staffs will be meeting on Friday, July 22 to begin a dialogue on these important questions, which the Board of Regents has identified as a key issue for their 2011-12 school year policy agenda. In the interim, therefore, we will require that NYCDOE report on the outcome of the phase-out, including identification of each school impacted by the phased out schools and data on the high-need students served in such schools.

Please be advised that during the next school year, NYSED plans to revise the phase-out/phase-in template by requiring districts that implement phase-out plans for SURR/PLA schools, and which operate school choice programs, to provide additional evidence that the replacement phase-in schools will serve at least a comparable percentage of high needs students as the community school or citywide district average, and that the phasing in and phasing out of schools will not exacerbate the challenge for schools impacted by the phase out to meet state standards by causing them to experience dramatic changes in the composition of their student enrollments that the schools are not appropriately organized or resourced to address. Accordingly, NYCDOE should begin to review its Race to the Top funding as well as the applications it has or may submit for School Improvement Grants and the School Innovation Fund to see how such funding sources can support the creation of quality seats.

Accordingly, it may be necessary for districts to revise their current choice system to include enrollment preferences in order to ensure comparable percentages of high need students across schools and/or ensure that schools with significant concentrations of high needs students have the appropriate staffing, resources, and instructional programs to help those students to succeed. NYSED anticipates that the new template and guidance will be shared with districts before December in order to provide districts with sufficient time to make any necessary adjustments to enrollment processes.

We look forward to working with you to ensure that all students, regardless of their school placement, have the opportunity to choose among multiple high quality programs and receive an education that will prepare them for success in college and careers.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. King, Jr.", with a stylized, cursive script.

cc: Marc Sternberg
Edward Hui
Ira Schwartz
Sally Bachofer